

September 21, 2004

**Public Notice for Water Quality Certification and/or Waste
Discharge Requirements (Dredge/Fill Projects)**

Lake Earl and Lake Talawa Flood Control Project
WDID No. 1A1001WNDN

Del Norte County

On January 16, 2001, the North Coast Regional Water Quality Control Board (Regional Water Board) issued an emergency Water Quality Certification (Certification), pursuant to Section 401 of the Federal Clean Water Act, to the California Department of Fish and Game (CDFG) to breach the sandbar between Lake Talawa and the Pacific Ocean in order to lower the water level in Lake Earl and Lake Talawa. The breaching site is located approximately five miles north of Crescent City. Access to the breaching site is through the Pacific Shores subdivision. The emergency Certification was in effect for two winter periods and expired February 15, 2002. In October 2002, CDFG requested a one-year extension of the Certification to allow breaching of the sandbar while the Lake Earl Wildlife Management Plan was being completed. On December 17, 2002, the Regional Water Board extended the Certification to February 15, 2003. On December 22, 2003, Del Norte County requested another emergency Certification to breach the sandbar to prevent flooding of public and private roads, and private property surrounding the lakes. An emergency Certification was issued on December 24, 2003 that expired on April 15, 2004.

The Final Environmental Impact Report - Lake Earl Wildlife Area Management Plan (Plan) was certified by CDFG on August 13, 2004. The Plan provides long-term direction for managing the Lake Earl Wildlife Area (LEWA) in order to optimize the management of a variety of plant and animal species with an emphasis on wetland dependent wildlife. Long-term management of the LEWA will seek the best balance between private property concerns, agriculture, and management of fish and wildlife habitat. The Plan specifies that breaching shall take place at the narrowest part of the sandbar between Lake Talawa and Pacific Ocean. Breaching the sand bar involves excavating a trench approximately 200 feet long by 20 feet wide by 4 feet deep between Lake Talawa and the Pacific Ocean to start the flow of water from the lake into the ocean. Once the flow is started the flow increases rapidly and causes additional erosion of the sandbar. A breaching event is allowed whenever the water surface elevation of the lakes reaches 8.0 feet above mean sea level (MSL) during the period between September 1 and February 15. A final breaching event is allowed again on February 15 if the water surface elevation in the lakes is above 5.0 MSL. The actual surface elevation of the lakes could reach 10.0 feet MSL before breaching is completed.

On August 25, 2004, the Regional Water Board received an application from CDFG and Del Norte County (applicants) for a five-year Water Quality Certification to breach the

sandbar in accordance with the Plan. The proposed project will result in no net loss of wetlands. The project does not require removal of any trees or riparian vegetation. Approximately 0.1 acre of sandbar will be temporarily impacted during breaching events. The volume of material mechanically dredged during a breaching event is approximately 750 cubic yards. The proposed project will cause disturbances to waters of the United States associated with Lake Talawa, Lake Earl, and the Pacific Ocean in the Smith River Plain Hydrologic Subarea No. 103.11.

The applicants have applied for authorization to perform the proposed project from the United States Army Corps of Engineers, pursuant to the Clean Water Act, Section 404. CDFG, as the lead California Environmental Quality Act (CEQA) agency, certified a Final Environmental Impact Report for this project on August 13, 2004. Del Norte County has applied for a Lake or Streambed Alteration Agreement (1600 Permit) from the Department of Fish and Game.

Regional Water Board staff is proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. Staff proposes to issue 401 Water Quality Certification for a 5-year period. In addition, staff will consider all comments received during a 21-day comment period that begins on the first date of issuance of this letter. If you have any questions or comments, please contact staff member Dean Prat at (707) 576-2801, or at pratd@rbl.swrcb.ca.gov within 21-days of the posting of this notice.